REMARKS

Applicant respectfully requests further examination and reconsideration in view of the comments set forth fully below. Claims 1-20 and 29-51 were previously pending in this application. Within the Office Action, Claims 1-20 and 29-51 have been rejected. By the above amendments, Claims 1, 29, 35 and 44 have been amended. Accordingly, Claims 1-20 and 29-51 are now pending in this application.

Amendments to the Claims

By the above amendments, Claims 1, 29, 35 and 44 have been amended to recite wherein the syndicator or control circuit is remote from the subscriber. Support for these amendments can be found in the Specification as follows:

> FIG. 2A illustrates a simplified block diagram of the internal components of a syndicator of a content distribution system. Specifically, the syndicator 210 shown in FIG. 2A is exemplary and the syndicator of a content distribution can comprise any appropriately configured computer system or wireless internet access device. The exemplary syndicator 210 includes a CPU 2, a main memory 6, a display adapter 4, a version based content storage device 10, a data transfer circuit 8, and a data synchronization circuit 12, all coupled together by a conventional bidirectional system bus 18. *The data transfer circuit [e.g. control circuit] 8 is configured to communicate with and transfer version based content* (not shown) stored within the version based content storage device 10 to a subscriber (not shown) or to an electronic proxy device (not shown). [Present Specification, page 8, lines 12-21 and Fig. 2A] (emphasis added)

and

> FIG. 2B illustrates a simplified representation of a content distribution system 200. Specifically, the content distribution system 200 comprises the version based content 100 shown in FIG. 1, the syndicator 210 shown in FIG. 2A, and a subscriber 260. The syndicator 210 is configured to distribute the content 100 and the subscriber 260 is configured to store the content 100. The content stored within the subscriber is the subscriber content 262 and preferably comprises a subscriber content version number 264. Preferably, *the syndicator 210 comprises a server.* [Present Specification, page 9, lines 12-18 and Fig. 2B] (emphasis added).

Thus, it is clear that the syndicator or control circuit are remote from the subscriber such that they are on the "server side". Accordingly, the amendments are supported by the Specification.

Rejections Under 35 U.S.C. § 102

Within the Office Action, Claims 29-33 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,478,047 to Loyall et al. ("Loyall"). The Applicants respectfully disagree.

The section of Loyall cited within the Office Action teaches a software component downloading mechanism. [Loyall, col. 75, line 1]. The downloading mechanism comprises a Launch applet responsible for downloading software components. The files making up each component are specified in a "components file." [Loyall, col. 75, lines 2-6]. Each file listed in the components file has a name, length, type, version number and checksum. After downloading the components file, the Launch applet compares the version numbers listed in the components file against the version numbers of any components installed on the user's system. Components that have not been installed are enqueued for downloading. [Loyall, col. 75, lines 20-25]. Loyall admits that the Launch applet *does not have permission to directly access the file system.* [Loyall, col 75, lines 27-30]. Therefore, Loyall introduces a "novel mechanism to record and check component version numbers on the user's file system." [Loyall, col. 75, lines 26-27]. Loyall teaches that the Launch applet can load Java class files that *may have been written* during a previous session. Each installed component includes a precompiled class file that defines a variable containing the version number of that component. [Loyall, col. 75, lines 30-34]. Regardless of Loyall's determination as to version number, Loyall cannot download files without the user's explicit permission using "the permission dialog that is needed to access the file system." [Loyall, col. 75, lines 40-42]. Thus, Loyall does not teach *a subscriber configured to store the subscriber content.* Loyall also does not teach a subscriber configured to *receive the content from the server via a content control circuit if the version number is larger than the subscriber content version number wherein the content control circuit is remote from the subscriber* for at least two reasons. First, Loyall teaches enqueing components for download when no previously installed components can be found. Thus, Loyall teaches receiving content even if a determination cannot be made whether the content version is greater than the subscriber content version, such as when no subscriber content version exists. Second, Loyall teaches that the client user must explicitly give their permission for *any content* to be received, regardless of version numbers.

In contrast to the teachings of Loyall, the presently claimed invention teaches systems and methods that distribute and synchronize version based content from a syndicator to a subscriber. [Present Specification, page 1, lines 7-8]. The syndicator can comprise any appropriately

configured computer system or wireless internet access device. The syndicator includes a CPU 2, a main memory 6, a display adapter 4, a version based content storage device 10, a data transfer circuit 8, and a data synchronization circuit 12, all coupled together by a conventional bidirectional system bus 18. [Present Specification, page 8, lines 13-19] The syndicator is configured to distribute the version based content and the subscriber is configured to store the version based content as well as the subscriber content. [Present Specification, lines 12-14]. The subscriber is configured to compare the version based content's version number with the subscriber content version number. If the version based content's version number is higher than the subscriber's content version number, then the subscriber is configured to store the content from the syndicator and update the subscriber version number. [Present Specification, page 2, lines 18-21].

Loyall does not teach a subscriber configured to store subscriber content. Loyall also does not teach a subscriber configured to receive the content from the server via a content control circuit if the version number is larger than the subscriber content version number wherein the content control circuit is remote from the subscriber. Accordingly, Loyall does not teach the presently claimed invention.

Claim 29

The independent Claim 29 is directed to a content subscription system. The content subscription system of Claim 29 comprises a server, a subscriber, a server content identification circuit configured to transmit a first signal representative of a version identifier, wherein the version identifier corresponds to a first content stored within the server, a subscriber content identification circuit configured to receive the version identifier and the first content stored within the server, wherein the subscriber content identification circuit is further configured to generate a second signal representative of a subscriber version identifier, wherein the subscriber version identifier corresponds to a second content stored within the subscriber, and a content control circuit configured to transmit the first content to the subscriber content identification circuit in response to the second signal, wherein the server, the server content identification circuit and the content control circuit are remote from the subscriber and the subscriber content identification circuit. As described above, Loyall does not teach a subscriber configured to store subscriber content. Also as described above, Loyall does not teach a subscriber configured to receive the content from the server via a content control circuit if the version number is larger than the subscriber content version number *wherein the content control circuit is remote from the*

subscriber. For these same reasons, Loyall does not teach a subscriber content identification circuit configured to receive the version identifier and the first content stored within the server. For at least these reasons, the independent Claim 29 is allowable over Loyall.

Claims 30-33 are all dependent from the independent Claim 29. As discussed above, the independent Claim 29 is allowable over Loyall. Accordingly, Claims 30-33 are all also allowable as being dependent upon an allowable base claim.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 1-14, 18, 19, 34-39, 41-47 and 49-51 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Loyall in view of U.S. Patent No. 7,177,482 to Nguyen et al. ("Nguyen"). The Applicants respectfully disagree.

Within the Office Action it is recognized that Loyall does not teach comparison of version numbers to determine which is greater. Nguyen is cited for this limitation. However, even if Nguyen teaches comparison of version numbers to determine which is greater, Loyall, Nguyen and their combination still do not teach the presently-claimed invention.

Nguyen teaches a method of migrating parameter value settings from an older version of software to a newer version of software in a device containing software to be upgraded. [Nguyen, col. 1, lines 36-37]. Nguyen teaches that a computer program is used to generate a map file of the parameters in the new software version of software, and to generate a program to access the parameter values once they are stored in a device. [Nguyen, col. 1, lines 43-47]. The map file includes a version number corresponding to the version number of the software. The map file and access program are then included *within* *the software which is loaded into system memory of the device.* [Nguyen, col.1, lines 49-51]. Thus, Nguyen sends the *entire new software update* before it can perform any version number checking against the existing software. Since Nguyen sends the entire new software update before it can perform any version number checking, Nguyen does not teach a subscriber configured to receive the content from the syndicator *if* the version number is larger than the subscriber version number *wherein the syndicator is remote from the subscriber.* As discussed above, Loyall also does not teach a subscriber configured to receive the content from the syndicator (or control circuit) if the version number is larger than the subscriber content version number *wherein the syndicator is remote from the subscriber.* Thus, even if Nguyen teaches comparison of version numbers to determine which is greater, Loyall, Nguyen and their combination do not teach a subscriber configured to receive the content from the

syndicator if the version number is larger than the subscriber version number *wherein the syndicator is remote from the subscriber.*

Claim 1

The independent Claim 1 is directed to a version based content distribution system comprising content comprising a version number, a syndicator, wherein the syndicator is configured to transmit the version number, subscriber content comprising a subscriber content version number, *and a subscriber configured* to store the subscriber content, to compare the version number with the subscriber content version number, and *to receive the content from the syndicator if the version number is larger than the subscriber content version number, wherein the syndicator is remote from the subscriber.* As discussed above, Loyall, Nguyen and their combination do not teach a subscriber configured to receive the content from the syndicator if the version number is larger than the subscriber version number *wherein the syndicator is remote from the subscriber.* For at least these reasons, the independent Claim 1 is allowable over Loyall, Nguyen, and their combination.

Claims 2-14, 18 and 19 are all dependent from the independent Claim 1. As discussed above, the independent Claim 1 is allowable over Loyall, Nguyen and their combination. Accordingly, Claims 2-14, 18 and 19 are all also allowable as being dependent upon an allowable base claim.

Claim 35

The independent Claim 35 is directed to a method of distributing content. The method of Claim 35 comprises defining a version number for content stored on a computer readable storage medium within a syndicator, increasing the version number when the content stored within the syndicator is updated, defining a subscriber version number for content stored on a computer readable storage medium within a subscriber, *wherein the subscriber is remote from the sundicator,* transmitting the version number from the syndicator to the subscriber, performing a synchronization verification wherein the subscriber version number is compared to the version number, *downloading the content stored within the syndicator to the subscriber if the subscriber version number is found to be less than the version number during the synchronization verification,* and increasing the subscriber version number to correspond to the version number following downloading of the content stored within the syndicator. As described above, Loyall, Nguyen and their combination do not teach downloading the content stored within the syndicator

to the subscriber *if* the subscriber version number is found to be less than the version number during the synchronization verification *wherein the syndicator is remote from the subscriber*. For at least these reasons, the independent Claim 35 is allowable over Loyall, Nguyen, and their combination.

Claims 36-39 and 41-43 are all dependent from the independent Claim 35. As discussed above, the independent Claim 35 is allowable over Loyall, Nguyen and their combination. Accordingly, Claims 34-39 and 41-43 are all also allowable as being dependent upon an allowable base claim.

Claim 34 is dependent from the independent Claim 29. As discussed above, the independent Claim 29 is allowable. Accordingly, Claim 34 is also allowable as being dependent upon an allowable base claim.

Claim 44

The independent Claim 44 is directed to a method of distributing content to a subscriber comprising defining a subscriber version number for content stored on a computer readable storage medium within a subscriber, receiving a syndicator version number for content to be distributed from a syndicator to the subscriber, *wherein the syndicator is remote from the subscriber*, performing a synchronization verification wherein the subscriber version number is compared to the syndicator version number, *downloading the content to be distributed from the syndicator to the subscriber if the subscriber version number is found to be less than the syndicator version number during the synchronization verification* and increasing the subscriber version number to correspond to the syndicator version number following downloading of the content. As described above, Loyall, Nguyen and their combination do not teach downloading the content to be distributed from the syndicator to the subscriber *if* the subscriber version number is found to be less than the syndicator version number during the synchronization verification *wherein the syndicator is remote from the subscriber*. For at least these reasons, the independent Claim 44 is allowable over Loyall, Nguyen, and their combination.

Claims 45-47 and 49-51 are all dependent from the independent Claim 44. As discussed above, the independent Claim 44 is allowable. Accordingly, Claims 45-47 and 49-51 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 15-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Loyall in view of U.S. Patent No. 6,990,498 to Fenton et al. The Applicants respectfully disagree.

Claims 15-17 are all dependent from the independent Claim 1. As discussed above, the independent Claim 1 is allowable. Accordingly, Claims 15-17 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claim 20 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Loyall in view of U.S. Patent No. 6,119,165 to Li et al. The Applicants respectfully disagree.

Claim 20 is dependent from the independent Claim 1. As discussed above, the independent Claim 1 is allowable. Accordingly, Claim 20 is also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 31, 40 and 48 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Loyall in view of U.S. Patent Application No. 2001/0042073 to Saether et al. The Applicants respectfully disagree.

Claims 31, 40 and 48 are dependent on the independent Claims 29, 35 and 44, respectively. As discussed above, the independent Claims 29, 35 and 44 are all allowable. Accordingly, Claims 31, 40 and 48 are all also allowable as being dependent upon an allowable base claim.

For the reasons given above, the Applicants respectfully submit that the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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